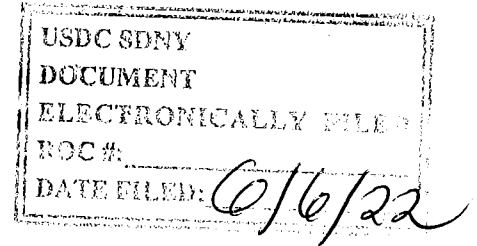


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



ERODITA XIOMARA PEREZ SALGUERO,
Plaintiff,

v.

CM ENTERPRISES OF ROCKLAND INC.,
d/b/a LUIGI O'GRADYS DELI AND
CATERING and MICHELLE WORAB,
Defendants.

ORDER

22 CV 411 (VB)

On June 2, 2022, plaintiff Erodita Xiomara Perez Salguero in this Fair Labor Standards Act case filed a settlement agreement (Doc. #18-1) and a statement explaining the basis for the agreement as required by Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

In reviewing the proposed settlement agreement, the Court has considered the following factors:

- (i) plaintiff's position that the settlement is a fair and adequate result;
- (ii) the risks and costs of continuing to litigate;
- (iii) plaintiff is represented by counsel;
- (iv) plaintiff no longer works for defendants;
- (v) the release is limited to wage-and-hour claims accrued prior to executing the settlement agreement; and
- (vi) the non-disparagement clause is mutual.

Based on the foregoing, the Court finds the settlement agreement is fair and reasonable, and the product of arm's-length negotiation, not fraud or collusion.

Additionally, the Court finds the attorneys' fees, which are one-third of plaintiff's net recovery, in addition to reimbursement of costs, to be fair and reasonable under the circumstances.

Finally, in light of plaintiff's request to file a stipulation of dismissal following defendants' payment of the settlement, it is hereby ORDERED that this action is dismissed without prejudice to the right to restore the action to the Court's calendar, provided the request to restore the action is made by no later than August 8, 2022. To be clear, any application to restore the action must be filed by August 8, 2022, and any application to restore the action filed thereafter may be denied solely on the basis that it is untimely.

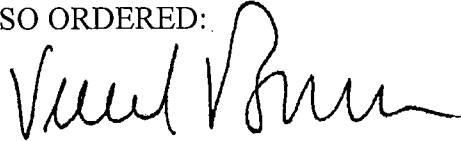
CONCLUSION

Accordingly, the parties' settlement agreement (Doc. #18-1) is APPROVED.

The Clerk is instructed to close this case.

Dated: June 6, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge